

SECOND DIVISION

[G.R. No. 208089, September 28, 2016]

**PHILIPPINE TRANSMARINE CARRIERS, INC., STEALTH
MARITIME CORPORATION AND CARLOS SALINAS, PETITIONERS,
VS. CASIANO F. SALADAS, JR., RESPONDENT.**

DECISION

BRION, J.:**

We resolve the petition for review on *certiorari* under Rule 45 of the Rules of Court, ^[1] filed by petitioners Philippine Transmarine Carriers, Inc. (PTCI), Stealth Maritime Corporation (SMC) and Carlos Salinas, as President/General Manager of PTCI, to reverse and set aside the January 28, 2013 decision^[2] and the July 1, 2013 resolution^[3] of the Court of Appeals (CA) in CA-G.R. SP No. 120532.

THE FACTUAL ANTECEDENTS

Pursuant to a nine-month POEA standard employment contract dated **July 9, 2008**, the petitioners hired Casiano F. Saladas, Jr. (*Saladas*) as Chief Cook on board *M/V Gas Defiance*. He joined the vessel crew on July 29, 2008, after having been declared fit to work with restriction by the PTC Health Metrics, Inc.^[4]

Sometime in March 2009, while doing his chores, Saladas allegedly lost his balance and fell when the vessel changed speed. His chest hit a trash can, but he ignored the pain. Another on-board incident occurred when Saladas slipped from a ladder with his hip hitting the deck. After two (2) days, he felt numbness and weakness in his right leg, thighs, chest, and neck areas. He claimed that he requested from the Captain a medical checkup.

The petitioners claim that, while on board the vessel, Saladas did not experience any illness or injury which hampered his functions as Chief Cook. He also did not report any unusual incident concerning his health which could have indicated any illness or injury.

On **April 6, 2009**, Saladas disembarked at Brisbane, Australia because *his contract had already ended*. While he was in Brisbane, Australia, Saladas underwent a medical check-up with Dr. David Bartholomeusz (*Dr. Bartholomeusz*). The foreign doctor diagnosed that Saladas' pain from the accident has been symptomatic for two (2) weeks; found that his blood pressure was high but became normal after two (2) hours; made him go through an *electrocardiogram test* (ECG); and prescribed him maintenance drugs.

Saladas alleged that he asked Dr. Bartholomeusz for a copy of his findings, with assessment and diagnosis. Dr. Bartholomeusz, in turn, advised him that the results would be given through SMC's agent. However, Saladas never received his medical

results before he left for the Philippines.

When Saladas arrived in the Philippines, he immediately reported to PTCI and informed them of the accidents he suffered on board the vessel. Despite repeated requests for compensation, PTCI denied these because there was no endorsement from SMC regarding this matter.

On November 12, 2009, Saladas consulted Dr. Efren Vicaldo (*Dr. Vicaldo*), an internist-cardiologist at the Philippine Heart Center, who diagnosed him with ***diabetes mellitus, essential hypertension, rib fracture with impediment Grade VII (41.80%)***. Dr. Vicaldo, nonetheless, declared him unfit to resume work as a seaman in any capacity.

On October 16, 2009, Saladas filed a complaint for disability benefits, illness allowance, reimbursement of medical expenses, and damages against the petitioners.

THE COMPULSORY ARBITRATION DECISIONS

In his June 16, 2010 decision, Labor Arbiter Felipe P. Pati (*LA Pati*) ruled in favor of Saladas and awarded permanent and/or total disability benefits in the amount of \$60,000.00. Saladas was found to have proven the following evidentiary facts, which LA Pati deemed as uncontroverted: (1) that he went through an ECG test and was prescribed antihypertensive medications but did not receive his medical results from Dr. Bartholomeusz; (2) that PTCI denied his disability claims right after he arrived in the Philippines; (3) that he had no choice but to seek consultation and treatment on his own from Dr. Vicaldo; and (4) after having been thoroughly examined and diagnosed, he was given an unfit-to-work assessment.

LA Pati said that the petitioners only gave unsubstantiated arguments and failed to prove with substantial evidence that they were not liable for the disability claims. Their arguments were considered "bare denials," which appear bereft of any concrete evidence to thwart the claims against the petitioners.

On appeal, the NLRC dismissed the petitioners' appeal and affirmed LA Pati's decision in its January 6, 2011 resolution, and denied their subsequent motion for reconsideration in its May 17, 2011 resolution.

The petitioners then filed a petition for *certiorari* before the CA alleging that the NLRC committed grave abuse of discretion in affirming LA Pati's award of disability benefits based on Saladas' self-serving allegation that he suffered an injury on board the vessel, and that he complied with the three-day reporting requirement under the POEA Standard Terms and Conditions. They also insisted that his illnesses were not work-related. At any rate, they argued that Saladas disembarked from the vessel not for medical reasons but due to finished contract.

THE ASSAILED DECISION

In its January 28, 2013 decision, the CA dismissed the petition for *certiorari*. The CA mainly held, among others, that Saladas is entitled to permanent/total disability benefits because his injury was work-related that existed during the effectivity of his employment contract. The CA appreciated Saladas' claim that he met an accident on

board the *M/V Gas Defiance* because it was supported by the medical report of Dr. Bartholomeusz on April 6, 2008. In addition, the pre-employment medical examination Saladas underwent before boarding the vessel showed that he was not suffering from rib fracture. Thus, after he was *medically repatriated* on April 8, 2008, Saladas was unable to work for more than one hundred twenty (120) days and could no longer pursue his usual work as a seaman.

On July 1, 2013, the CA denied petitioners' motion for reconsideration; hence, they filed the present petition.

OUR RULING

We resolve to **GRANT** the petition.

In reviewing the CA decision in a labor case made under Rule 65 of the Rules of Court, we examine the CA decision in the context that it determined the presence or the absence of grave abuse of discretion in the NLRC decision before it, not on the basis of whether the NLRC decision, on the merits of the case, committed errors of law. In other words, we have to be keenly aware that the CA undertook a Rule 65 review, not a review on appeal, of the challenged NLRC decision.

Under this approach, the question that we ask is: *Did the CA correctly determine whether the NLRC committed grave abuse of discretion in ruling on the case?*^[5]

Underlying this jurisdictional limitation of our Rule 45 approach in labor cases is the general jurisdictional limitation of a Rule 45 petition that restricts the Court's inquiry to questions of law - where the doubt or controversy concerns the correct application of law or jurisprudence to a certain set of facts. We do not review questions of facts (where the doubt or controversy concerns the truth or falsehood of facts) *unless necessary to determine the correctness of the allegation that the NLRC (in the decision the CA reviewed) committed grave abuse of discretion.*

In resolving the present petition, therefore, we are bound by (1) the general factual-bar-rule under the Rule 45 petition directly before us, and (2) the intrinsic limitations of a *certiorari* proceeding (in the CA's review of the NLRC's decision) as an extraordinary remedy aimed solely at correcting errors of jurisdiction.

The issue before us involves mixed questions of fact and law, with the real issue being one of fact - **whether Saladas met an accident on board the vessel and/or his heart condition worsened during his employment.** As a question of fact, we generally cannot address this issue.

By way of exception, we can address factual issues and, in the process review the factual findings of the labor tribunals and the evidence, to determine whether, as essentially ruled by the CA, the NLRC indeed grossly misread the facts and misappreciated the evidence - situations that we consider as marks of grave abuse of discretion.

In the present case, we find that the CA committed a reversible error and that the labor tribunals gravely abused their discretion because they totally disregarded the governing contract between the parties. They likewise grossly misappreciated the facts and even completely disregarded vital pieces of evidence in resolving the case.